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4 CHERIE L. MOORE,  
5 Plaintiff,  
6 v.  
7 KROGER COMPANY,  
8 Defendant.

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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA

6 Case No. 13-cv-04171-JD

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9 **ORDER OF DISMISSAL**

10 Re: Dkt. No. 68

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12 The Court having been advised the parties have agreed to a settlement of this cause, **IT IS**  
13 **HEREBY ORDERED** that this cause of action is dismissed **without** prejudice; provided,  
14 however that if any party hereto shall certify to this court, within ninety (90) days, with proof of  
15 service thereof, that the agreed consideration for said settlement has not been delivered over, the  
16 foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be  
17 set for trial.  
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19 If no certification is filed, after passage of ninety (90) days, the dismissal shall be **with** prejudice.

20 Dated: September 4, 2014

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23 JAMES DOMATO  
24 United States District Judge  
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